

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	
)	
EDER D. COELHO, a/k/a)	Crim. No. 03-10376-PBS
EDVARDO VIANA LUCAS, a/k/a)	
LEVAN DE CHANTAL and)	
ABRAO A. OLIVEIRA, a/k/a)	
ABRAAO ALVES DE OLIVEIRA a/k/a))	
KEVIN BRAY,)	
Defendants.)	

GOVERNMENT'S MOTION SEEKING DESTRUCTION OF FIREARM

On September 10, 2003, Defendant Eder Coelho was arrested pursuant to a warrant issued by this Court (Swartwood, Ch.M.J.) at his apartment located at 252 Kennedy Drive, Apartment 713, Malden, Massachusetts. At the time of his arrest, Mr. Coelho directed the arresting agents of the Federal Bureau of Investigation and other federal and local law enforcement agencies, to a firearm in his possession at that location, specifically, an Astra A-100 9 mm pistol bearing Serial Number 17734-95A. At the time of his arrest, Mr. Coelho was an alien unlawfully in the United States, and as such, was not permitted to possess a firearm, pursuant to 18 U.S.C. § 922(d)(5)(A). Moreover, Mr. Coelho was not the registered owner of the firearm, nor did he have a Massachusetts Firearms Identification Card. Accordingly, the firearm was seized as contraband, and it remains in the custody of the Federal Bureau of Investigation.

Following the seizure of the firearm, Special Agent Jeffrey Kerr of the Bureau of Alcohol, Tobacco, Firearms and Explosives conducted a trace check of the firearm. Special Agent Kerr determined that the last known owner of the firearm was an individual named Charles Anderson. Mr. Anderson was interviewed and acknowledged selling the firearm to two men he believed to be Brazilian. He stated that he kept no record of the transaction, and did not know the names of either man to whom he sold the firearm.

On January 22, 2004, Mr. Coelho entered guilty pleas to a four-count information charging him with conspiracy in violation of 18 U.S.C. § 371; identity document fraud in violation of 18 U.S.C. § 1028(a)(3); visa fraud in violation of 18 U.S.C. § 1546(a); and harboring aliens in violation of 8 U.S.C. 1324(a)(1)(A)(iv). On June 21, 2004, Mr. Coelho was sentenced by this Court, which, at the joint request of the parties, also entered a Judicial Order of Deportation. Following his prison sentence, Mr. Coelho was taken into Immigration and Customs Enforcement, and has since been deported to Brazil.

WHEREFORE, the last owner of the firearm having been ineligible to own or possess the firearm, and having now been removed from the United States, and there being no legitimate owner, the United States respectfully moves the Court to Order the Federal Bureau of Investigation to destroy the Astra A-100 9

mm pistol bearing Serial Number 17734-95A which was seized from Mr. Coelho at the time of his arrest.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

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DATED: June 13, 2005